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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,008	03/21/2006	Howard Thomas	CE00552UM	2503
22917	7590	06/17/2009		
MOTOROLA, INC. 1303 EAST ALGONQUIN ROAD IL01/3RD SCHAUMBURG, IL 60196			EXAMINER LY, NGHI H	
			ART UNIT	PAPER NUMBER
			2617	
			NOTIFICATION DATE	DELIVERY MODE
			06/17/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docketing.US@motorola.com

Office Action Summary	Application No. 10/573,008	Applicant(s) THOMAS, HOWARD	
	Examiner NGHI H. LY	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>03/21/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Craig et al (US 2004/0203806A1).

Regarding claims 1, 10 and 26, Craig teaches a communication system including one or more communication networks supporting communications for a plurality of communication units on a shared communication resource (see Abstract, see “share the same radio resource” and “eliminates interference”), wherein the communication network comprises: an identification function for identifying interference within or non-availability of a portion of the shared resource, a resource-responsible agent (see Abstract, [0007], [0008], [0017] and [0024]), responsive to the identification function identifying an interference within or non-availability of a portion of the shared resource, and a communication adaptation function (see Abstract, [0007], [0008], [0017] and [0024]), responsive to the resource-responsible agent in reducing a level of interference or making a portion of the shared resource available for use (also see Abstract, [0007], [0008], [0017] and [0024]).

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Regarding claims 2 and 27, the one or more communication networks comprises a first network generating interference that affects communications on a second network (see Abstract, [0007], [0008], [0017] and [0024]).

Regarding claims 3 and 21, the communication networks are uncoordinated (see fig.1 and fig.2).

Regarding claims 4 and 14, the identification function resides in a subscriber unit or a serving communication unit on the second network (see fig.2).

Regarding claims 5, 16 and 17, the communication adaptation function resides in a subscriber unit (see fig.2), or a serving communication unit operating on the first network such that the resource-responsible agent is able to influence the communication of the subscriber unit or the communication behaviour on the first communication network (see fig.1 and fig.2).

Regarding claims 6 and 22, the communication system is further characterised by a reconciliation and mediation agent operably coupled to the first network and second network for mediating therebetween (see Abstract and fig.2).

Regarding claims 7 and 23, the reconciliation and mediation agent reconciles interference that the first network caused to the second network and determines any countermeasures employed by either network (see Abstract, [0007], [0008], [0017] and [0024]).

Regarding claim 8, the second network suffering interference from the first network initiates a procedure to detect the interference and inform the first network of the interference (see Abstract, [0007], [0008], [0017] and [0024]).

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Regarding claims 9 and 13, the one or more communication networks is a single network, such that the communication adaptation function is responsive to the resource-responsible agent in reducing a level of interference or making a portion of the shared resource available for use within the single network (see Abstract, [0007], [0008], [0017] and [0024]).

Regarding claims 11 and 12, the communication unit is a wireless subscriber communication unit or a wireless serving communication unit (see Abstract and fig.2).

Regarding claim 15, the identification of interference within or non-availability of a portion of the shared communication resource is based on one or more of the following: a local measurement of interference (see Abstract, [0007], [0008], [0017] and [0024]), an interference measurement transmitted to a communication unit via the network or a serving communication unit, an interference measurement transmitted to a communication unit from another communication unit in a similar locality (see Abstract, [0007], [0008], [0017] and [0024]).

Regarding claim 18, the communication adaptation function adapts one or more performance attributes of the interfering wireless communication unit (see Abstract, [0007], [0008], [0017] and [0024]), causing one or more of the following effects: a less clear audio signal and/or video signal, break a connection, fail to establish a connection, perform at a reduced power level or limit a connection time, a reduction in the wireless communication unit battery power, temporarily disabling the interfering wireless communication unit, increasing a tariff, or and withholding service (see Abstract, [0007], [0008], [0017] and [0024]).

Regarding claim 19, a communication unit having received a resource-responsible agent is able to remove an effect of the resource-responsible agent if the communication unit performs one or more of the following: (i) Power-down upon sensing or being informed of interference, (ii) Switch to operating in an opportunity driven multiple access mode, (iii) Switch to using local short-range nodes to obtain information, (iv) Switch to using a fixed wire-line connection, (v) Halts communications until it is operating nearer to its serving wireless communication unit, and (vi) Effect a payment for the resource-responsible agent to be disabled (see Abstract and fig.2).

Regarding claim 20, an action taken by the communication adaptation function is based on its sensitivity to, or prioritisation allocated to, one or more of the following parameters: (i) Location of the wireless communication unit, (ii) Frequency of operation of the wireless communication unit, (iii) Radio frequency transmit power of the wireless subscriber communication unit, (iv) One or more services requested by the wireless subscriber communication unit, and (v) Event correlations (see Abstract and fig.2).

Regarding claim 24, the reconciliation and mediation agent is distributable to at least one of a subscriber communication unit and a communication network to effect a modification of the wireless subscriber communication unit's or communication network's operational capabilities in response to a trigger related to potential interference or non-availability of a communication resource (see Abstract, [0007], [0008], [0017] and [0024]).

Regarding claim 25, the processor operable to modify one or more operational parameters of the communication unit in response to determining that it is operating in a

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resource irresponsible manner (see Abstract, [0007], [0008], [0017] and [0024]).

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NGHI H. LY whose telephone number is (571)272-7911. The examiner can normally be reached on 9:30am-8:00pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nghi H. Ly

/Nghi H. Ly/
Primary Examiner, Art Unit 2617